

### **REMARKS**

This is a response to the Office Action dated April 6, 2007. The Examiner has rejected claims 1-3, 6-8, 11, 23-25, 28, 29, 36-42 and 48 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Claims 1-3, 6-8, 11, 23-25, 28-29, 36-42 and 48 have been rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Pub 2002/0016769 (“Barbara”) in view of U.S. Pub 2002/0095298 (“Ewing”), Official Notice and in view of U.S. Pat. No. 6,039,250 (“Ito”). Reconsideration of the application is respectfully requested in light of the above amendments and the following remarks.

#### **I. REJECTIONS UNDER 35 U.S.C. § 112**

Claims 1-3, 6-8, 11, 23-25, 28, 29, 36-42 and 48 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. With this response, independent claims 1, 6, 23, 28, and 36 have been amended. The amendments are for clarity purposes. No new matter has been added. In particular, independent claims 1, 6, 23, 28 and 36 have been amended to correct the informalities identified by the Examiner. For example, the conditional statements that were in the claims have been clarified. As noted by the Examiner, there are some references to “identity information” which the Applicants’ have corrected to “identity confirmation.” The Examiner suggests that “claim language be added concerning what steps or processes are being performed by a third-party or an intermediary between the first user (payor) and second user (recipient).” Office Action of 4/6/07, p. 2.

#### **II. REJECTIONS UNDER 35 U.S.C. § 103(a)**

Claims 1-3, 6-8, 11, 23-25, 28-29, 36-42 and 48 have been rejected under 35 U.S.C. § 103(a) as being anticipated by Barbara in view of Ewing, Official Notice and in view of Ito. Applicants submit that claims 1-3, 6-8, 11, 23-25, 28-29, 36-42 and 48 are patentable over Barbara in view of Ewing, Official Notice and Ito for failing to disclose all the limitations of the claims.

Barbara discloses “a method and system for making on-line payments.” Barbara, Abstract. “A user enrolls for the on-line payments service, designates a source account for the on-line payments, and is provided a transaction account as a money deposit account [to] use as a

source and a destination of funds.” *Id.* Ewing relates to a blind gift system for sending gifts while maintaining anonymity. Ewing, Abstract. Ito relates to an electronic money sending system for temporarily storing electronic money and remitting the money. Ito, Abstract.

Barbara in view of Ewing, Ito and Official Notice fail to disclose receiving a response from the recipient accepting or rejecting the transfer of funds wherein the response includes a request by the recipient to open an account upon an acceptance of the transfer of funds as in claims 1 and 23. The Examiner suggests that Ewing discloses this element. Office Action of 4/6/07, p. 7. However, there is no disclosure in Ewing that the response includes a request by the recipient to open an account upon an acceptance of the transfer of funds. Ewing does disclose that a giftee can choose whether to accept blind gifts. Ewing, Figure 5. However, there is no disclosure of any request by which the response includes a request to open an account as in claims 1 and 23. Barbara, Ito and the Official Notice also fail to disclose this element.

Barbara in view of Ewing, Ito and the Official Notice fail to disclose receiving information identifying the recipient online account as in claims 1 and 23. As discussed above, there is no disclosure of a response which includes a request to open an account. Barbara does disclose registering for a service but does not disclose the receipt of information identifying an opened online account.

The identity confirmation as disclosed in amended independent claims 6, 28 and 36 is not obvious in light of Barbara in view of Ewing, Ito and the Official Notice. In Figures 3 and 4 in Barbara, and the accompanying description, there is a description of an electronic person to person exchange of money. The recipient receives an email indicating that he/she has received funds. Barbara, ¶ 55. The recipient is then prompted to register for an account, which can be used to receive the transferred funds. *Id.* However, Barbara does not disclose identity confirmation as in amended independent claims 6, 28 and 36. Ito discloses email for electronic money transfers using an identifier 803. Ito, Col. 5, ll. 28-35. The identifier is defined as “the number to identify a bill number and a transaction from the remitter to the receptor.” *Id.* at Col. 5, ll. 30-32. The identifier 803 does not provide identity confirmation because the remitter’s address and the receptor’s address are sent with the identifier 803. *Id.* at Col. 5, ll. 16-35. The identifier does not confirm the addresses (identities) that it is submitted with; rather it identifies the transaction between the identities (receptor and remitter). *Id.* at Col. 5, ll. 30-32. Further, there is no disclosure in Barbara in view of Ewing, Ito and the Official Notice of identity

confirmation using a query and a corresponding answer in a response to verify identity as in amended independent claims 6, 28 and 36.

Additionally, amended claim 36 includes a bank identifier that identifies a first of a plurality of affiliate banks. The first affiliate bank conducts the fund transfer settlement for the transferred funds. Barbara does disclose multiple accounts or funding sources for transferring funds. Barbara, ¶¶ 17, 54 and 60. However, there is no disclosure of affiliate banks that conduct the fund transfer. The accounts in Barbara may be with different banks, but they are the source of the funds. There is no suggestion of a plurality of affiliate banks that can be used for the fund transfer, only a plurality of accounts as the source of the funds.

For the reasons described above, Applicant submits that independent claims 1, 6, 23, 28 and 36 are allowable. Claims 2, 3, 7, 8, 11, 24, 25, 29, 37-42 and 48 depend from the allowable independent claims and are allowable for the same reasons as the independent claims from which they depend.

## II. CONCLUSION

Each of the rejections in the Office Action dated April 6, 2007 has been addressed and no new matter has been added. Applicants submit that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

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BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

Respectfully submitted,

/Scott A. Timmerman/

Scott A. Timmerman  
Registration No. 55,678  
Attorney for Applicants